

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**This document relates to:**

*Track Three Cases*

---

**NOTICE OF SERVICE OF DEFENDANTS' MOTION TO EXCLUDE CERTAIN  
OPINIONS AND TESTIMONY OF DR. KATHERINE KEYES**

Defendants<sup>1</sup> hereby provide notice that on July 23, 2021, they served unredacted copies of the following documents on all Parties, the Court, and Special Master Cohen, and are now filing the same not under seal:

- Defendants' Motion to Exclude Certain Opinions and Testimony of Dr. Katherine Keyes;
- Memorandum in Support of the Defendants' Motion to Exclude Certain Opinions and Testimony of Dr. Katherine Keyes;
- Declaration of Steven N. Herman, along with the corresponding Exhibits 1 to 34;
- [Proposed] Order Granting Defendants' Motion to Exclude Certain Opinions and Testimony of Dr. Katherine Keyes; and
- Summary Sheet for Defendants' Motion to Exclude Certain Opinions and Testimony of Dr. Katherine Keyes (also attached hereto as Exhibit A).

---

<sup>1</sup> CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., Ohio CVS Stores, L.L.C., Giant Eagle, HBC Service Company, Walmart Inc., Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Right Aid Mid-Atlantic Customer Support Center, Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center, Walgreens Boots Alliance, Inc., Walgreen Co., and Walgreen Eastern Co., Inc.

Dated: August 17, 2021

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky  
Alexandra W. Miller  
ZUCKERMAN SPAEDER LLP  
1800 M Street, NW  
Suite 1000  
Washington, DC 20036  
Phone: (202) 778-1800  
E-mail: [smiller@zuckerman.com](mailto:smiller@zuckerman.com)  
E-mail: [edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)

*Attorneys for CVS Indiana, L.L.C., CVS Rx  
Services, Inc., CVS Pharmacy, Inc., CVS TN  
Distribution, L.L.C., and Ohio CVS Stores,  
L.L.C.*

/s/ Robert M. Barnes (consent)

Robert M. Barnes  
Scott D. Livingston  
Joshua A. Kobrin  
MARCUS & SHAPIRA LLP  
35th Floor, One Oxford Centre 301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Email: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)  
Email: [livingston@marcus-shapira.com](mailto:livingston@marcus-shapira.com)  
Email: [kobrin@marcus-shapira.com](mailto:kobrin@marcus-shapira.com)

*Attorneys for Giant Eagle and HBC Service  
Company*

/s/ Kelly A. Moore (consent)

Kelly A. Moore  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178  
Phone: (212) 309-6612  
E-mail: [kelly.moore@morganlewis.com](mailto:kelly.moore@morganlewis.com)

Elisa P. McEnroe  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
Phone: (215) 963-5917  
Email: [elisa.mcenroe@morganlewis.com](mailto:elisa.mcenroe@morganlewis.com)

*Attorneys for Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center and Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center*

s/ John M. Majoras (consent)

John M. Majoras  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, DC 20001  
Phone: (202) 879-3939  
Email: [jmmajoras@jonesday.com](mailto:jmmajoras@jonesday.com)

Tina M. Tabacchi  
Tara A. Fumerton  
JONES DAY  
77 West Wacker  
Chicago, IL 60601  
Phone: (312) 269-4335  
E-mail: [tmtabacchi@jonesday.com](mailto:tmtabacchi@jonesday.com)  
E-mail: [tfumerton@jonesday.com](mailto:tfumerton@jonesday.com)

*Attorneys for Walmart Inc.*

/s/ Kaspar J. Stoffelmayr (consent)

Kaspar J. Stoffelmayr  
Brian C. Swanson  
Katherine M. Swift  
Sharon Desh  
Sten A. Jernudd  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, Illinois 60654  
Phone: (312) 494-4400  
E-mail: [kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)  
E-mail: [brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)  
E-mail: [kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)  
E-mail: [sharon.desh@bartlitbeck.com](mailto:sharon.desh@bartlitbeck.com)  
E-mail: [sten.jernudd@bartlitbeck.com](mailto:sten.jernudd@bartlitbeck.com)

Alex J. Harris  
BARTLIT BECK LLP  
1801 Wewatta Street, Suite 1200  
Denver, Colorado 80202  
Phone: (303) 592-3100  
E-mail: [alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)

*Attorneys for Walgreens Boots Alliance, Inc.,  
Walgreen Co. and Walgreen Eastern Co., Inc.*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on August 17, 2021.

/s/ Eric R. Delinsky  
Eric R. Delinsky